

# Competitive Food Policy

## Competitive Food Service Policy

School Food Authorities (SFA) have the authority to establish rules or regulations as are necessary to control the sale of foods in competition with meals served under the National School Lunch and School Breakfast Programs. Such rules or regulations must prohibit the sale of foods of minimal nutritional value in the food service area during the breakfast and lunch periods. The four food categories of minimal nutritional value (soda water, water ices, chewing gum, certain candies) are further defined in this section. These restricted foods may be sold, at the discretion of local school officials, in other areas of the school campus throughout the school day.

## Food Service Area Defined

United States Department of Agriculture (USDA) policy defines food service areas as areas on school premises where program meals are either “served” or “eaten” and sale of minimal nutrition value foods including carbonated beverages are prohibited in these areas. Student access to these items in areas where meals are provided is considered a violation of the competitive foods rule.

## Expenditures for Competitive Food Sales

When competitive foods are purchased from the school food service account, a separate accounting must be maintained to provide a clear audit trail. Program funds must not be commingled with the sale revenues or expenditures for foods of minimal nutritional value.

## Nonrestricted Foods

Although they are competitive foods, please note that ice cream, ice milk, and water ices that include fruit or fruit juice are not restricted. Also, certain beverages that do not contain soda water (carbonation) are not restricted. “Chips” are not restricted; neither are flavored (chocolate, strawberry, vanilla, etc.) candies that may contain any of the following: nuts, peanut butter, caramel, coconut, nougat centers, milk-based fillings, or other similar ingredients. Competitive foods other than the four categories indicated as restricted foods may be sold, at the discretion of local school officials, in the cafeteria during the lunch and breakfast periods. However, revenues from such sales must accrue to the benefit of the nonprofit school food service or student organizations approved by the school.

## Further Clarification Regarding Soda Water

Numerous questions have been received from schools and industry regarding whether specific carbonated water products are classified as a “Food of Minimal Nutritional Value.”

The following will clarify the soda water definition as it applies to the Child Nutrition Program to help answer these queries:

All beverages that are carbonated (produced from either natural or artificial means) with or without any amount of natural or artificial flavoring(s), artificial sweetener(s), added nutrient(s), juice concentrate(s), or single strength juice(s) are classified as a “Food of Minimal Nutritional Value.” Carbonated beverages include those products named sparkling water, seltzer water, club soda, or naturally carbonated water.

## Restricted Foods

Federal regulations prohibit the sale of certain foods, determined to be of minimal nutritional value, in the food service area during meal periods. The foods that are restricted from sale to students are classified in these four categories:

**Soda Water**—any carbonated beverage. No product shall be excluded from this definition because it contains discrete nutrients added to the food such as vitamins, minerals, and protein.

**Water Ices**—any frozen, sweetened water such as “...sicles” and flavored ice with the exception of products that contain fruit or fruit juice.

**Chewing Gum**—any flavored products from natural or synthetic gums and other ingredients that form an insoluble mass for chewing.

**Certain Candies**—any processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients that characterize the following types:

**Hard Candy**—A product made predominantly from sugar (sucrose) and corn syrup that may be flavored and colored, is characterized by a hard, brittle texture and includes such items as sour balls, lollipops, fruit balls, candy sticks, starlight mints, after dinner mints, jaw breakers, sugar wafers, rock candy, cinnamon candies, breath mints, and cough drops.

**Jellies and Gums**—A mixture of carbohydrates that are combined to form a stable gelatinous system of jellylike character and are generally flavored and colored, and include gum drops, jelly beans, jellied and fruit-flavored slices.

**Marshmallow Candies**—An aerated confection composed of sugar, corn syrup, invert sugar, 20 percent water, and gelatin or egg white to which flavors and colors may be added.

**Fondant**—A product consisting of microscopic-sized sugar crystals that are separated by a thin film of sugar and/or invert sugar in solution such as candy corn, soft mints.

**Licorice**—A product made predominantly from sugar and corn syrup that is flavored with an extract made from the licorice root.

**Spun Candy**—A product that is made from sugar that has been boiled at high temperature and spun at a high speed in a special machine.

**Candy Coated Popcorn**—Popcorn that is coated with a mixture made predominantly from sugar and corn syrup.

## South Carolina Nutrition Policies

### State Legislation Regarding School Nutrition and Food Services

Proviso 28.100 of the 1990 Appropriations Act requires that the State Board of Education develop nutrition policies for foods available to students during the school day based on the *United States Dietary Guidelines for Americans* and the nutritional requirements of the National Child Nutrition Program.

#### Beginning School Year 1994–95

1. In order to encourage students to adopt and maintain healthy life-styles which promote wellness and prevent diet related diseases, all schools by school year 1994–1995 should provide only foods and beverages to students during the school day\* which meet the U. S. Department of Agriculture/Department of Health and Human Services *Dietary Guidelines* and/or the nutritional requirements of the Child Nutrition Programs (National School Lunch and Breakfast Programs).
2. By the 1994–1995 school year, when a high school operates a canteen, concession stand, or vending program, all food and beverages should be healthy food choices as identified by USDA dietary guidance.

#### Beginning School Year 1990–91

3. All food made available for sale or service to students in the elementary, middle, and junior high schools during the school day\* should be consistent with the USDA/DHHS *Dietary Guidelines* and the Child Nutrition Program requirements.

\*School day is defined as follows: Beginning with the breakfast program and through the instructional day or when the first bus arrives and through the instructional day.

## South Carolina School Boards Association

In the 1998 Policy and Legislative Update published by the South Carolina School Boards Association, competitive foods issues are addressed. The following guidance is provided:

“The Southern Association of Colleges and Schools also has accreditation standards for schools in different areas, one of which is student services and activities. Nutrition falls under this area, and the Association has recently corresponded with districts about the necessity of having a competitive food policy in place as a part of a school’s accreditation process.”

To assist districts in developing this policy, the South Carolina School Boards Association provides a model policy with several options. In addition, further information is available if districts need help in developing more detailed guidelines.

### Exemptions

Exemptions under the competitive foods regulation are issued by the Southeast Regional Office of USDA on a periodic basis. The exemption of the products listed means that they are no longer considered foods of minimal nutritional value and can therefore be sold during the meal period in a school food service area.

## Important Point!

The most up-to-date copy of “Exemptions Under the Competitive Foods Regulation” can be accessed online on the South Carolina School Food Service and Nutrition Web Site under “Online Publications” at URL:

<http://www.myschools.com/offices/sfsn>

This does not mean these products are approved or endorsed by the Food and Nutrition Service (FNS) of the USDA or indicate they have significant nutritional value. In addition, this exemption should not be perceived as encouragement to purchase these products.

The exemption of one product does not extend to similar products or a family of products. SFA personnel should check the ingredient statement of each exempted food on the list to differentiate between exempted products and similar non-exempted products.